

REMARKS

In the Office Action, the Examiner objected to claim 15 because of informalities. In response thereto, the Applicants amended claim 15 to overcome the objection.

The Examiner rejected claims 1-3, 7-11, and 21-23 under 35 U.S.C. 102(e) as being anticipated by Ton (U.S. P.G.-Pub. No. 2002/0067704). The Examiner rejected claims 4, 12, and 18 under 35 U.S.C. 103(a) as being unpatentable over Ton in view of Jue et al. ("Design and Analysis of Replicated Server Architecture for Supporting IP-Host Mobility"). The Examiner rejected claims 5-6, 13-14, and 19-20 under 35 U.S.C. 103(a) as being unpatentable over Ton in view of Perkins ("Mobile Networking through Mobile IP"). Applicants have amended the independent claims to clarify the invention.

Ton does not anticipate amended claim 1 or 10.

Amended claim 1 is directed toward a method for registering a subscriber unit with a home agent in a cellular system. Inter alia, amended claim 1 requires: (1) storing addresses for a plurality of home agents in the subscriber unit, wherein the plurality of home agents includes a primary home agent and a plurality of secondary home agents; (2) attempting registration with the primary home agent; (3) failing to achieve registration with the primary home agent; and (4) the subscriber unit selecting a secondary home agent from the plurality of secondary home agents in an attempt to balance load among the plurality of secondary home agents. Ton discloses load balancing among a plurality of home agents by the Cellular Network, not by the subscriber unit. Amended claim 1 distinguishes over Ton and Ton does not anticipate amended claim 1.

Amended claim 10 distinguishes over Ton for these same reasons. Thus, amended claims 1 and 10, and those claims that depend from either of these claims (claims 2-9 and claims 11-14), are allowable over Ton.

Jue et al. and Perkins fail to meet the shortcomings of Ton

Jue et al. discloses load balancing among a plurality of home agents. Jue et al. fails to disclose, suggest, or teach that a subscriber unit first attempts to register with a primary home agent and, that not being possible, selects a secondary home agent in an attempt to load balance among a plurality of secondary home agents. Perkins further fails to meet this shortcoming of Jue et al. Thus, amended claims 1, 10, and 15 distinguish over any combination of these cited references. All other pending claims depend from one of claims 1, 10, or 15.

CONCLUSIONS

All pending claims are now allowable. A Notice of Allowance is courteously solicited. Please direct any questions to the undersigned attorney.

Respectfully submitted,

Date: June 29, 2004

By: 

Bruce E. Garlick, Reg. 36,520

Garlick, Harrison & Markison
P.O. Box 160727
Austin, Texas 78716-0727
(512) 264-8816
(512) 264-3735 fax